## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of : Elbers, K. et al U.S. Appln. No. : To be assigned Confirmation No. : To be assigned U.S. Filing Date : September 26, 2003 Title of Invention : gM-negative EHV-mutants Attny. Docket No.: 1/1111-1-C1	) Art Unit: ) Examiner:	To be assigned To be assigned
Commissioner for Patents P. O. Box 1450 Alexandria, VA 22313-1450		
September 26, 2003		
TRANSMITTAL LETTER FOR INFORM	IATION DISCL	OSURE STATEMENT
Sir:		
Transmitted herewith concerning the subject app Statement (Form 1449A/B) under 37 C.F.R. §§1. hereinbelow. Cited References can be found in t 09/789,495, filed on February 16, 2001.	56 and 1.97, as a	nore specifically described
1.97(b). This Statement is being fill date of a national application other than a continut §1.53 (d); ii) within three (3) months of the date of 37 C.F.R. §1.491 in an international application; action on the merits; or iv) before the mailing of request for continued examination under 37 C.F.I.	ned prosecution a of entry of the na iii) before the ma a first Office act	application under 33 C.F.R ational stage as set forth in ailing of a first Office
1.97(c). This Statement is being file C.F.R. §1.97(b), but before the mailing date of: in notice of allowance under 37 C.F.R. §1.311, or in prosecution in the application. This Statement is	) a final action unit) an action that	nder 37 C.F.R. §1.113, ii) a otherwise closes
A statement as specified in 37 C.	F.R. §1.97(e) [se	e below]; or
The fee set forth in 37 C.F.R. §1.1	.7(p).	

		The Commissioner is hereby authorized to charge payment of the \$180.00 fee set forth in 37 C.F.R. §1.17(p) to Deposit Account No. 02-2955.
	ent as s	This Statement is being filed after the period specified in 37 C.F.R. on or before payment of the issue fee. This Statement is accompanied by a pecified in 37 C.F.R. §1.97(e) [see below] and the fee set forth in 37 C.F.R.
	1.97(e	).
	counte	Each item of information contained in the instant information disclosure ent was first cited in any communication from a foreign patent office in a tripart foreign application not more than three (3) months prior to the filing of tant information disclosure statement; or
	foreign makin inform C.F.R.	No item of information contained in the instant information disclosure ent was cited in a communication from a foreign patent office in a counterpart application, and, to the knowledge of the person signing this certification after greasonable inquiry, no item of information contained in the instant lation disclosure statement was known to any individual designated in 37 §1.56(c) more than three (3) months prior to the filing of the instant lation disclosure statement.
		The fee set forth in 37 C.F.R. §1.17(p).
		The Commissioner is hereby authorized to charge payment of the \$180.00 fee set forth in 37 C.F.R. §1.17(p) to Deposit Account No. 02-2955.
counter n secti	part ap	d). Each item of information contained in the accompanying information tement was cited in a communication from a foreign patent office in a application, which communication was not received by any individual designated of (c) more than thirty (30) days prior to the filing of the accompanying asclosure statement.

The Commissioner is hereby authorized to charge payment of any additional filing fees required under 37 C.F.R. §1.16 and any patent application processing fees under 37 C.F.R. §1.17, or credit any overpayment of same, to Deposit Account No. 02-2955.

Triplicate copies of this form are enclosed.

Respectfully submitted,

Susan K. Pocchiari Attorney for Applicant(s) Reg. No. 45,016

Patent Department Boehringer Ingelheim Corp. 900 Ridgebury Road, P.O. Box 368 Ridgefield, CT 06877

Tel: (203) 798-5648

Date: September 26, 2003

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o a collection of information unless it contains a valid OMB control number. Under the Paperwork Reduction Act of 1995, no persons are required to respond Complete if Known Substitute for form 1449A/PTO Application Number To be assigned Filing Date INFORMATION DISCLOSURE September 26, 2003 First Named Inventor Elbers, K. et al STATEMENT BY APPLICANT Art Unit To be assigned Examiner Name To be assigned (Use as many sheets as necessary) Attorney Docket Number 1/1111-1-C1 Sheet

			U. S. PATENT	DOCUMENTS	
Examiner Initials*	Cite No. <sup>1</sup>	Document Number  Number-Kind Code <sup>2 (# known)</sup>	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		<sup>US-</sup> 5,922,327	07-1999	Crabb et al	
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	FOREIGN PATENT DOCUMENTS							
Examiner	Cite	Foreign Patent Document	Publication Date	Name of Patentee or	Pages, Columns, Lines,			
Initials*	No.¹	Country Code <sup>3 -</sup> Number <sup>4</sup> *Kind Code <sup>5</sup> ( <i>if known</i> )	MM-DD-YYYY	Applicant of Cited Document	Where Relevant Passages or Relevant Figures Appear	T°		
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This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Substitute for for	orm 1449B/PTO			Complete if Known		
				Application Number	To be assigned	
INFORMATION DISCLOSURE			SURE	Filing Date	September 26, 2003 Elbers, K. et al	
STATE	STATEMENT BY APPLICANT  (Use as many sheets as necessary)		First Named Inventor			
			Art Unit	To be assigned		
(0			Examiner Name	To be assigned		
Sheet	3	of	<del></del>	Attorney Docket Number	1/1111-1-C1	

NON PATENT LITERATURE DOCUMENTS					
Examiner Initials*	Cite No.1	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T²		
		NEUBAUER, A. et al: "Equine herpesvirus 1 mutants devoid of glycorprotein B or M are apathogenic for mice but induce protection against challenge infection.", Virology (December 1997), 239(1):36-45			
		OSTERRIEDER, N. et al: The Equine Herpesvirus 1 Glycoprotein gp21/22a, the Herpes Simplex Virus Type 1 gM Homolog, is involved in Virus Penetration and Cell-to Cell Spread of Virions", J. of Virol., 70(6):4110-4115			
		SEYBOLDT, C. et al: "Equine herpesvirus 1 (EHV-1) glycoprotein M: Effect of deletions of transmembrane domains"; Virology, (December 2000) 278 (2):477-489.			
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Examiner	Date	
Signature	Considered	<u> </u>

<sup>\*</sup>EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not

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1 Applicant's unique citation designation number (optional). 2 Applicant is to place a check mark here if English language Translation is attached.

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